

Relief Requested Without a Hearing

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re:

Gary M. Newell,

Debtor

Chapter 13

Case No. 14-20891

DEBTOR'S CONSENTED TO MOTION FOR RELIEF FROM STAY

NOW COMES the Debtor, Gary M. Newell, by and through his undersigned counsel, pursuant to Federal Bankruptcy Rule 4001 and 11 U.S.C. Section 362(d) and moves for entry of an order granting relief from the Automatic Stay and in support thereof states as follows:

1. On November 7, 2014, Debtor Gary M. Newell filed a petition for relief under Chapter 13 of the Bankruptcy Code. Peter C. Fessenden was appointed Trustee.
2. Pursuant to 11 U.S.C. Section 362(a), various proceedings against the Debtor and his property are stayed pending further order of this Court.
3. The Debtor has separated from his spouse and desires to commence divorce proceedings.
4. This Court may grant relief from stay in order to permit a divorce to proceed and, inter alia., divide marital property. In re White, 851 F.2d 170 (6th Cir. 1988).
5. The Debtor desires to proceed with his divorce and divide marital property subject to review of the Trustee and the Bankruptcy Court's continuing jurisdiction over Debtor's assets and creditors' claims.
6. No prejudice will endure to the Debtor or the Debtor's estate if relief from the stay is granted provided that opportunity for review of the property division and creditor treatment is reserved by the Bankruptcy Court.
7. The Debtor, through counsel, has requested the trustee's consent prior to the filing of this Motion. The trustee consents to the relief requested herein.

8. The Debtor, through counsel, has requested the consent of Suzanne Thompson, Esq., divorce counsel for the Debtor's spouse, prior to the filing of this Motion. The Debtor's spouse, Leslie Newell, through her said counsel, consents to this motion.

WHEREFORE, Movant respectfully request that this Court enter an order granting relief from the automatic stay to permit the Debtor to complete divorce proceedings, subject to this Court's continuing jurisdiction over the Debtor's assets and creditors' claims.

Dated: January 14, 2015

Gary M. Newell

By: /s/ Jennifer G. Hayden
Jennifer G. Hayden, Esq.
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Seen and agreed to by:

Date: January 14, 2015

/s/ Peter C. Fessenden
Peter C. Fessenden, Trustee

Date: January 14, 2015

/s/ Suzanne Thompson
Suzanne Thompson, Esq.
Counsel for Leslie Newell